

Please enter the following amendments and remarks:

### **STATUS OF THE CLAIMS**

Claims 22-41 are pending in the Application.

Claims 1-21, 23-28, 36, 37, and 39 have been canceled.

Claims 22, 29-34, 38, and 41 have been amended.

Claims 22-41 have been rejected by the Examiner. Reconsideration of the present Application is respectfully requested.

### **REMARKS**

#### **35 U.S.C. § 103(a) Rejections**

Claims 22-23, 25-26, 29-30, 35, and 38-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ballantyne et al.* (U.S. Patent No. 5,867,821, hereinafter, "Ballyantyne") in view of *Evans* (U.S. Patent No. 5,924,074, hereinafter, "Evans"), and further in view of *Lavin et al.* (U.S. Patent No. 5,924,074, hereinafter, "Lavin"). Claims 24, 27-28, 31-34, and 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne, in view of Evans and further in view of *Schultz et al.* (U.S. Patent No. 5,679,943, hereinafter, "Schultz"). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. § 103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

To establish obviousness, the scope and content of the prior art must first be determined. Second, the differences between the prior art and the claims at issue must be ascertained. Third, the level of ordinary skill in the relevant art must be determined. Finally, taking this background into consideration, the obviousness of the subject matter is determined. Secondary considerations such as commercial success, long felt but unsolved needs, failure of others, etc., can be utilized to determine the circumstances surrounding the origin of the subject matter sought to be patented. *Graham v. John Deere*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966), M.P.E.P. § 2141.

**a) Ballantyne, Evans, and Lavin Do Not Teach an Alpha-Numeric Scanner Integral with a Personal Assistant**

Claims 22-23, 25-26, 29-30, 35, and 38-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne in view of Evans and further in view of Lavin. Claims 23, 25, 26, and 39 have been canceled. Applicant believes the rejection to be traversed for at least the following reasons.

As amended, independent claims 22, 30, and 38 disclose “an alpha-numeric scanner” being “integral with said personal assistant” and a “personal assistant comprises an alpha-numeric scanner,” respectively. In the discussion of claim 23, the Examiner states that “Ballantyne fails to expressly disclose...[that] the information transmission device is an alpha-numeric scanner.” *See Office Action of April 3, 2007*, at 8. Applicant agrees with this statement by the Examiner. The Examiner also suggests that “Evans discloses a personal assistant, comprising: an automated data collection module...” *Id.* at 4. However, the deficiencies in the teachings of Ballantyne are not remedied by the addition of Evans, nor does the Office Action suggest that they are. Nowhere in Evans is an alpha-numeric scanner discussed, let alone such

alpha-numeric scanner being integral with a personal assistant. *See, generally, Evans.* Thus, Evans does not disclose this element of amended, independent claims 22, 30, and 38.

Furthermore, the Examiner states that Lavin discloses “a voice to text module for translating said voice file into a text file.” *See Office Action of April 3, 2007*, at 4. However, the deficiencies in the teachings of Ballantyne are not remedied by the addition of Lavin, nor does the Office Action suggest that they are. Nowhere in Lavin is an alpha-numeric scanner that is integral with a personal assistant disclosed. *See, generally, Lavin.* Thus, Lavin does not disclose this element of amended, independent claims 22, 30, and 38.

Because Ballantyne, Evans, and Lavin all fail to disclose a personal assistant comprising an alpha-numeric scanner or an alpha-numeric scanner being integral with a personal assistant, not all of the elements of amended, independent claims 22, 30, and 38 are taught. No matter how the cited references are combined, this feature of the claimed invention cannot be found. Thus, Ballantyne, Evans, and Lavin cannot render, independent claims 22, 30, and 38 as amended obvious.

Accordingly, Applicant submits at least amended, independent claims 22, 30, and 38 of Applicant’s invention are allowable. Applicant further submits that each of the dependent claims (claims 23, 29-30, 35, and 40-41) are similarly distinguishable over the prior art of record, at least by virtue of each claim’s ultimate dependency from the patently distinct base claims 22, 30, and 38. Thus, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection should be removed.

**b) Ballantyne, Evans, and Schultz Do Not Teach a Personal Assistant Comprising an Alpha-Numeric Scanner**

Claims 24, 27, 28, 31-34, and 36-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne in view of Evans and further in view of Schultz. Claims 24, 27, 28, and 36-37 have been canceled. Applicant respectfully disagrees with the rejection for at least the following reasons.

Amended, independent claim 30 discloses “a personal assistant comprises an alpha-numeric scanner.” In the discussion of claim 23, the Examiner states that “Ballantyne fails to expressly disclose...[that] the information transmission device is an alpha-numeric scanner.” *See Office Action of April 3, 2007*, at 8. Applicant agrees with this statement by the Examiner. The Examiner also suggests that “Schultz discloses...[that] the information transmission device is an alpha-numeric scanner” in the abstract and col. 6, line 15 and col. 8, line 2 and Figures 1-74 of Schultz. *Id.* Applicant respectfully submits that the abstract and col. 6, line 15 and col. 8, line 2 and Figures 1-74 of Schultz does not disclose any scanner having the capability of reading alpha-numeric characters. *See, generally*, Schultz. In col. 7, lines 39-45, Schultz discloses:

Referring now to FIGS. 24 and 25, a hand held terminal (70) built in accordance with the present invention is shown with a modular keyboard (72) and a modular display (74). It is noted that the modular keyboard (72) contains both alpha/numeric keys (75) and function keys (76). The function keys (76) are located at the top of the modular keyboard (72) as well as along the sides of the Keyboard (72). (emphasis added).

In col. 7, lines 61-65, Schultz discloses:

Similar to the hand held terminal (70) shown in FIGS. 24-26, FIGS. 27-34 show hand held terminals (80) with modular keyboards (82), modular displays (84), general alpha/numeric keys (85), function keys (86), and reference grooves (87) in a multitude of different configurations. (emphasis added).

In col. 8, lines 61-65, Schultz discloses:

The hand held terminal (115) is similar the terminals shown in FIGS. 27-34 and includes a display screen (120), general alpha/numeric keys (121), and function keys (122). The scanner module (116) can be used to scan bar codes and is operated using the function key (122) located on the terminal (115). (emphasis added).

In col. 10, lines 17-20, Schultz discloses:

The hand-held terminal (165) has a keypad (167) with alpha/numeric and function keys (168), a display screen (169), a bar code scanner (170), and scanner buttons (171). (emphasis added).

In col. 10, lines 46-48, Schultz discloses:

A keyboard (178) provides a limited set of keys (179) for information input. The keys (179) could be alpha, numeric, function, or directional. (emphasis added).

Applicant respectfully asserts that the disclosures in Schultz, while describing alpha-numeric keys by which data may be entered, no where in Schultz is a personal assistant having an alpha-numeric scanner disclosed. *See, generally*, Schultz. All the disclosures in Schultz that relate to alpha-numeric capabilities disclose that a keyboard may have alpha-numeric keys. *Id.* These disclosures in Schultz do not identify the same or another device is an alpha-numeric scanner. Thus, Schultz does not disclose this element of amended, independent claim 30.

Furthermore, the Examiner states that Evans discloses “reading an identifier and relating said identifier with said voice file” and “automatically associating the identifier with the information.” *See Office Action of April 3, 2007*, at 6. However, the deficiencies in the teachings of Ballantyne are not remedied by the addition of Evans, nor does the Office Action suggest that they are. Nowhere in Evans is an alpha-numeric scanner that is integral with a personal assistant disclosed. *See, generally*, Evans. Thus, Evans does not disclose this element of independent claim 30 as amended.

Because Ballantyne, Schultz, and Evans all fail to disclose a personal assistant comprising an alpha-numeric scanner, not all of the elements of amended, independent claim 30 are taught. No matter how the cited references are combined, this feature of the claimed invention cannot be found. Thus, Ballantyne, Schultz, and Evans cannot render amended, independent claim 30 obvious.

Accordingly, Applicant submits at least amended, independent claim 30 of Applicant's invention is allowable. Applicant further submits that each of the dependent claims (claims 31-34) are similarly distinguishable over the prior art of record, at least by virtue of each claim's ultimate dependency from the patently distinct base claim 30. Thus, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection should be removed.

**Conclusion**

In light of the forgoing, Applicant respectfully submits that the pending claims are in condition for allowance. A Notice of Allowance for all pending claims is earnestly solicited.

Respectfully Submitted,  
**REED SMITH LLP**

A handwritten signature in black ink, appearing to read 'C. H. Pierce', written over a horizontal line.

Date: October 3, 2007

Carl H. Pierce  
Registration No. 45,730  
Jennifer E. Clark  
Registration No. 60,585  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103  
(215) 851-8100  
Attorneys for Applicant